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8 **UNITED STATES BANKRUPTCY COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11 In re  
12 PG&E CORPORATION,  
13 And  
14 PACIFIC GAS AND ELECTRIC COMPANY,  
15 Debtors.  
16 X – Affects Both Debtors  
17

**CASE NO. 19-30088-DM**

**MOTION PURSUANT TO FED. R.  
BANKR. 9006(b)(1) TO DEEM AMITY  
BALBUTIN-BURNHAM AND NOEL  
SANDLER'S CLAIM TIMELY FILED**

Date: November 2, 2022  
Time: 10:00 a.m.  
Place: Via Telephonically  
450 Golden Gate Avenue  
Courtroom 17  
San Francisco, CA 94102

Judge: Hon. Dennis Montali

Objection Deadline: October 26, 2022

Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, Amity Balbutin-Burnham and Noel Sandler move for an order expanding time to file a Proof of Claim, and allow, Claim Number 96390, that was executed on December 30, 2019, marked received on January 3, 2020 and submitted with this motion as “Exhibit A”, to be considered timely.

**I. SUMMARY OF ARGUMENT**

Under the flexible standard for excusable neglect, Vaughn Wright’s claim should be allowed. Amity Balbutin-Burnham and Noel Sandler

The circumstances surrounding this case constitute excusable neglect pursuant to the standards set forth in *Services v. Brunswick Associated Ltd. Partnership*, 507 U.S. 380 (1993). Allowing this case to proceed does not present any prejudice to the Debtors, nor does it delay the attendant judicial proceedings. This motion is made in good faith and to deny this claim would result in injustice to the Claimant. This motion is based upon the points and authorities set forth herein and concurrently.

**II. PROCEDURAL BACKGROUND**

On January 29, 2019, the Debtors, PG&E Corporation and Pacific Gas and Electric Company (“Debtors”) filed a voluntary Chapter 11 Petition. See Dkt. 1. On July 2, 2019, the Court entered an order establishing October 21, 2019 (“the Bar Date”) as the deadline for Fire Victim claimants to file proofs of claim in this bankruptcy. See Dkt. 2806. That deadline was extended to December 31, 2019 (“the “Extended Bar date.”). See Dkt. 4872.

**III. FACTUAL BACKGROUND**

Amity Balbutin-Burnham and Noel Sandler suffered a total loss of their home and all their belongings contained therein as a result of the November 8, 2018 Camp Fire (the “Fire”).

**IV. ARGUMENT**

The time in which to make claims in a Chapter 11 Bankruptcy may be extended by motion based on excusable neglect. Federal Rules of Bankruptcy Procedure, Rule 9006(b)(1) provides:

(b) Enlargement.

1 (1) In general. Except as provided in paragraphs (2) and (3) of this subdivision,  
2 when an act is required or allowed to be done at or within a specified period by  
3 these rules or by a notice given thereunder or by order of court, the court for cause  
4 shown may at any time in its discretion (1) with or without motion or notice order  
5 the period enlarged if the request therefor is made before the expiration of the  
6 period originally prescribed or as extended by a previous order or (2) on motion  
7 made after the expiration of the specified period permit the act to be done where the  
8 failure to act was the result of excusable neglect. Fed R. Bank. Proc. 9006(b)(1).  
9 Emphasis supplied.

10 Determination of excusable neglect has been interpreted by the United States Supreme  
11 Court as an equitable consideration.

12 “We conclude the determination at bottom an equitable one, taking account  
13 of all relevant circumstances surrounding the party’s omission. These include . . .the  
14 danger of prejudice to the debtor, the length of the delay and its potential  
15 impact on judicial proceedings, the reason for the delay, including whether  
16 it was within the reasonable control of the movant, and whether the movant  
17 acted in good faith.”

18 *Pioneer Inv. Servs v. Brunswick Assoc. Ltd.P’ship*, 507 U.S. 380, 395 (1993).

19 Here, there is no danger of prejudice to the Debtors. Where the claim does not disrupt the  
20 distribution process, no prejudice will result. *In re Sacred Heart Hosp.*, 186 B.R. 891, 897. (“Exactly  
21 how the debtor’s assets are distributed is ultimately of little consequence to the debtor, so long as  
22 the claim is not filed so late as to disrupt the distribution process.”) Further, the delay is not  
23 significant. The Trust has only completed determinations on approximately 40% of all claims.  
24 Allowing the late claim will not delay the proceedings. The reason for the delay in filing a claim  
25 was that the deadline was set after Brent’s death; therefore, the likelihood of injustice is great if this  
26 claim is not permitted.

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4 | DATED: August 18, 2022

By: /s/Emily S. Levin  
 EMILY S. LEVIN  
 Attorneys for Amity Balbutin-Burnham and  
 Noel Sandler

# EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

PG&E CORPORATION,  
- and -  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
Debtors.

Bankruptcy Case  
No. 19-30088 (DM)

Chapter 11  
(Lead Case)  
(Jointly Administered)



☒ Date Stamped Copy Returned  
☐ No Self-Addressed Stamped Envelope  
☐ No Copy Provided

## Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

### Part 1: Identify the Claim

1. Who is the current creditor?

Amity Balbutin-Burnham  
Name of the current creditor (the person or entity to be paid for this claim)



2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom? \_\_\_\_\_

3. Are you filing this claim on behalf of your family?

☐ No

☒ Yes

A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.

If you checked "Yes", please provide the full name of each family member that you are filing on behalf of:

Paul Sandler

4. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name Amity Balbutin-Burnham  
Attorney Name (if applicable) \_\_\_\_\_  
Attorney Bar Number (if applicable) \_\_\_\_\_  
Street Address 1442A Walnut St #261  
City Berkeley  
State CA  
Zip Code 94709  
Phone Number (415) 669-4099  
Email Address amitybb.public@gmail.com

Where should payments to the creditor be sent? (if different)

Name Amity Balbutin-Burnham  
Attorney Name (if applicable) \_\_\_\_\_  
Attorney Bar Number (if applicable) \_\_\_\_\_  
Street Address 1442A Walnut St #261  
City Berkeley  
State CA  
Zip Code 94709  
Phone Number (415) 669-4099  
Email Address amitybb.public@gmail.com

5. Does this claim amend any already filed?

☒ No

☐ Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on \_\_\_\_\_  
MM / DD / YYYY

6. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing? \_\_\_\_\_



**Part 2:**

Give Information About the Claim as of the Date this Claim Form is Filed

7. What fire is the basis of your claim? Check all that apply.	<input checked="" type="checkbox"/> Camp Fire (2018) <input type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire: <u>11/8/2018 evacuation due to fire at 4416 Santos Ranch Rd. Chico, CA 95928</u> )
8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different?)	Location(s): <u>Home: 4416 Santos Ranch Rd. Chico, CA 95928</u> <u>Evacuation &amp; Relocation</u>
9. How were you and/or your family harmed? Check all that apply	<input type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Renter <input type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) <input checked="" type="checkbox"/> Business Loss/Interruption <input checked="" type="checkbox"/> Lost wages and earning capacity <input checked="" type="checkbox"/> Loss of community and essential services <input checked="" type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): <u>Water left on &amp; couldn't get back to check</u>
10. What damages are you claiming/seeking? Check all that apply	<input checked="" type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <u>Home for days</u> <input checked="" type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input checked="" type="checkbox"/> Punitive, exemplary, and statutory damages <input checked="" type="checkbox"/> Attorney's fees and litigation costs <input checked="" type="checkbox"/> Interest <input checked="" type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
11. How much is the claim?	<input type="checkbox"/> \$ _____ (optional) <input checked="" type="checkbox"/> Unknown / To be determined at a later date

Part 3: Sign Below

Person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☒ I am the creditor.  
☐ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/30/2019 (mm/dd/yyyy)

[Signature]  
Signature

Print the name of the person who is completing and signing this claim:

Name

Admity Lynn Balbutin-Burnham  
First name Middle name Last name

Title

n/a

Company

n/a

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

1442A Walnut St #261  
Number Street

Berkeley,  
City

CA  
State

94709  
ZIP Code

Contact phone

(415) 669-4099

Email

admitybb-public@gmail.com



Amity Balbutin  
1442A Walnut  
Berkeley, CA 94

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